

INDEPENDENT EDUCATIONAL EVALUATION (IEE) CRITERIA

Purpose: The purpose of this policy is to provide for a process for responding to a parental request for the School Board to fund an independent educational evaluation (IEE). In addition, provision of copies of these guidelines to parents will meet the IDEA's requirement to provide necessary information to parents when they request an IEE, including information about where an IEE may be obtained and the School Board's criteria applicable to IEE's.

The Parental Right to an IEE

Under the IDEA and West Virginia Board of Education Policy 2419, a parent has the right to an IEE at public expense *only* when the parent disagrees with an individual evaluation completed or obtained by the School Board. If the School Board has not conducted or obtained an evaluation of the student, the parental right to an IEE does not arise until the School Board has completed its evaluation.

A parent may be entitled to, at most, only one IEE at public expense each time the School Board conducts an individual evaluation(s) with which the parent disagrees.

Definition of an IEE

An IEE is an evaluation conducted by a qualified evaluator who is not an employee of the School Board. An IEE may be funded by the School Board or otherwise provided at no cost to the parent of a student with a disability under certain circumstances. The purpose of an IEE is for determining a student's eligibility for special education and related services and/or meeting the educational needs of a student who has already been identified as eligible for special education and related services.

LEA's Response option to Parent/Adult Student Request for an IEE to be Obtained at Public Expense

If a parent/adult student requests that an IEE be conducted at public expense, the School Board must do one of the following within ten school days of written request;

1. Agree, in writing, to pay for an IEE at reasonable and prevailing rates, and provide the district's IEE criteria and information about where an IEE may be obtained.
2. Offer WVDE mediation to try to resolve differences. This is only available if parents agree to mediate.
3. Request a due process hearing to show that the district's evaluation is

appropriate. If the final hearing decision is that the district's evaluation is appropriate, the parent/adult student may pursue an IEE, but at his or her own expense.

LEA's Response Options to a request for Payment for an IEE that has already been obtained by the Parent/Adult Student

If a parent/adult student asks the district to pay for an IEE that has already been conducted, the district must:

1. Pay for the IEE, or
2. Request WVDE mediation when parents agree to mediate; and/or
3. Request a due process hearing within ten school days of the receipt of the evaluation report to show that the evaluation obtained by the parent/adult student did not meet the criteria for a publicly funded IEE, or
4. Request a due process hearing within ten school days of billing to demonstrate that the district's evaluation was appropriate. The district does not have to pay for an IEE if the hearing officer finds for the district.

Specific procedures for responding to a request for an IEE are set forth below and are to be followed when a parent makes a request for an IEE.

Consideration of IEE Results

If a parent obtains an IEE at public expense or shares with the School Board an evaluation obtained by the parent at private expense, the results of the evaluation will be considered by the parent at private expense, the results of the evaluation will be considered by the School Board in any decision made with respect to the provision of FAPE to the student, if the IEE meets the School Board's criteria applicable to evaluations as set forth herein. However, the School Board is not required to adopt the findings or recommendations contained in an IEE.

Specific Procedures for Responding to a Request for an IEE

Parents are encouraged to notify the School Board and ask for funding prior to obtaining an IEE. However, the School Board will not necessarily deny funding or reimbursement for an IEE already obtained by the parent, as long as the IEE meets the School Board's evaluation criteria, including cost and location of the evaluation and the qualifications of the evaluator that the School Board uses when it initiates an evaluation.

All parental requests for an IEE must be made in writing and forwarded to the School Board's Special Education Director or designee for decision. When a parent makes a request for an IEE, a copy of these Guidelines, the Request form for an IEE,

School Board evaluation criteria and the School Board's list of qualified evaluators must be provided to the parent. The refusal of a parent to complete the Request for an IEE form cannot ultimately serve as a basis for unnecessarily delaying the funding decision if an otherwise proper request for an IEE has been made.

Upon receipt of the Request for an IEE, the Special Education Director or designee will decide whether the requested IEE will be publicly-funded, whether to seek West Virginia Department of Education mediation or, whether the School Board will file for a due process hearing to obtain a ruling that its evaluation was appropriate or that the parents' privately-funded IEE (if they have already obtained one) does not meet the School Board criteria. Once it is clear to the School Board that the parent disagrees with an evaluation conducted by the School Board and the parent has properly and clearly requested an IEE, a decision will be made timely.

In selecting an evaluator to conduct the IEE, a parent may choose from the School Board's list of qualified evaluators. Parents may select an evaluator that does not appear on the list, but must ensure that the IEE performed otherwise meets the School Board's criteria, including those related to the qualifications of the evaluator, the cost and location of the evaluation and the criteria for performing evaluations. Should the parent's requested IEE not meet the School Board's criteria, the parent will be given the opportunity to provide an explanation of any unique circumstances that may justify any deviation from the School Board's criteria.

Once the parent has selected an independent evaluator from the School Board's approved list or has identified another evaluator that meets the School Board's criteria or is otherwise approved pursuant to these guidelines, the Special Education Director or designee will contact the evaluator in order to make appropriate contractual arrangements for the evaluation to be performed and funded. An independent evaluator will not be paid for the independent evaluation until the School Board receives a written evaluation report from the evaluator and is given the opportunity to discuss the evaluation results with the evaluator, if necessary.

If the School Board refuses to fund an IEE at public expense, prior written notice of the refusal shall be provided to the parent and a request for due process hearing will be initiated by the School Board to prove that its evaluation is appropriate or that the IEE requested or obtained by the parent does not meet the School Board's criteria.

ADOPTED: June 27, 2018